

FILE NO. A33002-PCT-USA / 072667.0124

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Freyssinet et al.
Serial No. : 09/486,094 Examiner: Kubelik, A.
Filed : July 17, 2000 Group Art Unit: 1638
For : GENE CODING FOR ANDROCTONINE, VECTOR CONTAINING
THE SAME AND TRANSFORMED DISEASE RESISTANT PLANTS
OBTAINED

RESPONSE TO RESTRICTION REQUIREMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents, Washington, D.C. 20231

January 25, 2002

Date of Deposit

Alicia A. Russo

Attorney Name

Alicia A. Russo
Signature

46,192

PTO Registration No.

January 25, 2002

Date of Signature

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Restriction Requirement dated October 1, 2001, please consider the following remarks. Applicants Petition to Extend Time for a period of three months, up to and including February 1, 2002 and submit herewith the required fee.

NY02:367481.1

The Examiner has stated that the claims of the present application contain four inventions, which he has divided into the following groups:

Group I, claims 1-10, 19-35 and 39, drawn to an isolated nucleic acids encoding androctonine, a process of transofrmation, transformed host cells and plants and a process for preparing androctinine;

Group II, claims 11-17, drawn to a nucleic acid encoding an androctonine fusion protein;

Group III, claim 18, drawn to an adroctonine fusion protein; and

Group IV, claims 36-38, drawn a process for cultivating transformed plants;

The Examiner has required that Applicants restrict the prosecution of this application to one of the foregoing groups of claims.

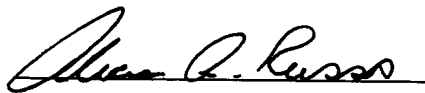
In response, Applicants wish to traverse the restriction requirement. Applicants believe that groups I and IV represent inventions sharing a single general inventive concept as required by PCT rules 13.1 and 13.2. Applicants submit that the claims of Group I relate to the nucleic acids encoding androctonine, chimeric genes, vectors and transformed plants and the claims of Group IV relate the process for cultivating the transformed plants and that Groups I and IV share a common technical feature, *i.e.*, the nucleic acid fragments encoding androctonine and therefore are linked so as to form a single general inventive concept under PCT Rule 13.1.

However, if the Examiner maintains the restriction requirement, Applicants elect to pursue the claims of Group I (claims 1-10, 19-35 and 39) in this application, with traverse, and without prejudice to the prosecution of the subject matter of non-elected claims in other patent applications.

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Please charge our Deposit Account No. 02-4377 if there is any additional fee
required. Two copies of this sheet are enclosed.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Louis S. Sorell", written over a horizontal line.

Louis S. Sorell
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